

# EXHIBIT A-1

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable Peter H. Kang, Magistrate Judge

IN RE: SOCIAL MEDIA )  
ADOLESCENT ADDICTION/PERSONAL )  
INJURY PRODUCTS LIABILITY )  
LITIGATION, )  
 ) NO. C 22-md-03047-YGR (PHK)  
 )  
 )

San Francisco, California  
Thursday, December 14, 2023

**TRANSCRIPT OF PROCEEDINGS**

**APPEARANCES:**

For Plaintiffs:

SEEEGER WEISS LLP  
1515 Market Street - Suite 1380  
Philadelphia, Pennsylvania 19102  
BY: CHRISTOPHER SEEGER, ATTORNEY AT LAW  
CHRISTOPHER AYERS, ATTORNEY AT LAW

LIEFF, CABRASER, HEIMANN  
& BERNSTEIN LLP  
275 Battery Street - 29th Floor  
San Francisco, California 94111  
BY: LEXI J. HAZAM, ATTORNEY AT LAW

MOTLEY RICE LLC  
401 9th Street NW - Suite 630  
Washington, D.C. 20004  
BY: PREVIN WARREN, ATTORNEY AT LAW

**(APPEARANCES CONTINUED ON FOLLOWING PAGE)**

Reported By: Ruth Levine Ekhaus, RMR, RDR, FCRR  
Official Reporter, CSR No. 12219

1 Okay. Anything else on the protective order?

2 **MS. SIMONSEN:** Just to clarify, Your Honor -- Ashley  
3 Simonsen for the Meta defendants.

4 We'll be glad to attach the confidentiality agreement to  
5 our one-page submission on Monday.

6 **THE COURT:** Okay. Thank you.

7 Anything further on that issue?

8 **MS. MIYATA:** Not from the state plaintiffs.

9 **MS. HAZAM:** Not from the individual plaintiffs either.

10 **THE COURT:** And I thank you for your arguments.

11 Okay. So then next issue is the ESI order. So let me  
12 give you some guidance there.

13 I -- maybe because I'm just not the smartest person in the  
14 room here, I found the parties' joint statement re: ESI  
15 protocol, with all the attached different redlines and  
16 competing redlines, to be much too confusing for my brain  
17 because there were arguments, and then there were things in the  
18 appendices, and there was stuff hidden in the redlines that we  
19 couldn't figure out which competing language went to which  
20 issue. Right?

21 So here's what I want you all to do:

22 We've prepared -- this is just a sample. I'm going to  
23 hand out one for each side.

24 Ms. Fox, if you would, please.

25 To make things perfectly clear for the Court in terms of

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1 what the actual proposed language is and what the issues are,  
2 as I understand from the joint statement re: ESI protocol,  
3 which I think is -- I forget what that is -- that's  
4 Docket 352 -- there are upwards of, depending on how you count,  
5 either 13 separate issues, conceptually, disputes about the ESI  
6 order, and there could be upwards of 18 or 19, depending on  
7 whether you consider subissues to be separate issues.

8 So first of all, that's too -- I don't feel like the  
9 parties have adequately met and conferred to narrow the  
10 disputes such as things like: Do we really need to produce  
11 things in color or not?

12 I can't believe counsel of your experience haven't been  
13 able to work out a reasonable accommodation on that.

14 Whether or not at this stage hyperlink documents need to  
15 be produced or not before anything else have been produced?

16 Again, I can't -- it is disappointing that details like  
17 that have not been worked out.

18 So I'm going to order the parties -- and specifically I  
19 want both sides, if you're using external -- whoever your ESI  
20 vendors are, the person in charge of your -- at your ESI vendor  
21 for both sides to be part of the meet and confers because, in  
22 my experience, when you get the two techie people involved, you  
23 find out that some of the things you were disputing actually  
24 aren't hard to do and aren't really a dispute.

25 So I want another attempt to meet and confer over the

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1 next -- I'll give you until -- let me look at a calendar.

2 Let's say until December 29th. Okay? To do this meet and  
3 confer and narrow the issues and try to work out.

4 To the extent there still remain disputed issues on the  
5 ESI order, I don't want more briefing on them. I think I've  
6 got enough briefing. What I want is a chart substantially in  
7 the format that -- of the example we've handed out. And the  
8 chart has sections. All right?

9 At the top of each subsection is a non-argumentative, no  
10 more than five- or six-word description of what the -- what the  
11 dispute is. Right?

12 So, for example, whether or not color documents need to  
13 be -- documents need to be produced in color, I just want an  
14 agreed-upon, non-argumentative, objective statement what the  
15 dispute is.

16 And then, on one column, I want every single piece of  
17 proposed language from the plaintiffs that they think, if  
18 adopted, address that issue, and every single piece of language  
19 proposed by the defendants in the other column that they think  
20 addresses that issue so that I know which part -- because the  
21 redlines are all over the place. I need to know which language  
22 goes to which issue and what you think -- which language  
23 addresses each issue; right?

24 And I'm going to limit you to your top 10 issues.

25 Hopefully, there will be less than that. Because 20 or -- 19

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1 or 20 subissues of that is -- it -- you've got to do a better  
2 job at negotiating these things. All right?

3 So, hopefully, it will be less than 10. Hopefully, there  
4 will be less than 10. But I want this chart by January -- I'd  
5 say January 12th, so -- give you about -- a couple of weeks to  
6 do the meet and confer, and another couple of weeks to come up  
7 with the chart.

8 If you can get it to me sooner, that's fine. It's not a  
9 due date. It's a "no later than" date. Okay? If you can do  
10 the meet and confer sooner, that's a "no later than" date as  
11 well. All right?

12 And once I've got the chart, I know exactly what the issue  
13 is and, you know, what each side's proposed language is to  
14 address that issue, and I -- you can expect my decision on it  
15 to look something like the chart with, one side or the other  
16 "accepted." All right? Or, perhaps, modified by my own  
17 wording.

18 Yeah. And then, again, I think I gave an example, five or  
19 six words. I'll give you seven words, non-argument -- no more  
20 than seven words -- to describe what the issue is. All right?

21 And no footnotes. I don't want any argument buried in  
22 this chart. All I want is your proposed language lifted from  
23 your respective redlines that you think goes to each issue.

24 Any questions on kind of the procedure how this is going  
25 to get organized for decision?

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1                   **MR. AYERS:** Chris Ayers on behalf of plaintiffs.

2                   From plaintiffs, no questions. We understand your  
3 direction. Thank you.

4                   **MR. HALPERIN:** None from defendants, Your Honor.

5                   Greg Halperin for Meta on behalf of the defendants.

6                   I do think it would be helpful, prior to that meet and  
7 confer, if the parties exchanged what their top issues are so  
8 that we can prepare respectively. But I'm -- I suspect the  
9 parties can work that out amongst themselves.

10                  **THE COURT:** I would hope you can. So make that part  
11 of the meet and confer process. Make that orderly. That's  
12 good also.

13                  Okay. So, like I said, meet and confer by the 29th, and  
14 then chart to me by the 12th.

15                  **MR. LEWIS:** Your Honor, if I may. Chris Lewis on  
16 behalf of the state defendants.

17                  I don't anticipate that it would be a problem, but if  
18 there's a need for a third column?

19                  **THE COURT:** So -- okay. So do you think --

20                  **MR. LEWIS:** I don't think it would be a problem with  
21 this particular issue, Your Honor, but if it arises --

22                  **THE COURT:** I'm going to encourage the plaintiffs and  
23 the state plaintiffs to work together to come up with whatever  
24 proposed language is going to mutually address each of the  
25 issues. Hopefully, less than 10.